

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

RICARDO L. SIMMONS,
Plaintiff,

v.

**PHILADELPHIA HOUSING
AUTHORITY, et al.,**
Defendants.

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CIVIL ACTION NO. 19-CV-2287

ORDER

AND NOW, this 3rd day of June, 2019, upon consideration of Plaintiff Ricardo L. Simmons Motion to Proceed *In Forma Pauperis* (ECF No. 1), his *pro se* Complaint (ECF No. 2), and his Motion for Appointment of Counsel (ECF No. 3), it is **ORDERED** that:

1. Leave to proceed *in forma pauperis* is **GRANTED** pursuant to 28 U.S.C. § 1915.
2. The Complaint is **DEEMED** filed.
3. Simmons's Complaint is **DISMISSED without prejudice** for failure to state a claim, pursuant to 28 U.S.C. § 1915(e)(2)(B)(ii), for the reasons stated in the Court's Memorandum.
4. Simmons is given thirty (30) days to file an amended complaint. When drafting his amended complaint, Simmons should be mindful of the Court's reasons for dismissing his claims as explained in the Court's Memorandum. Upon the filing of an amended complaint, the Clerk shall not make service until so **ORDERED** by the Court.
5. The Clerk of Court shall send Simmons a blank copy of the Court's form complaint to be used by a plaintiff filing an employment discrimination action bearing the above civil action number. Simmons may use this form to file his amended complaint if he chooses to do so.

6. If Simmons fails to comply with this Order, his case may be dismissed without prejudice for failure to prosecute without further notice.

7. The Motion for Appointment of Counsel is **DENIED without prejudice** to Simmons renewing that Motion if he files an amended complaint.

BY THE COURT:

/s/ Mitchell S. Goldberg

MITCHELL S. GOLDBERG, J.